

#11 Petition
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 24 2003



Application No.	Filing Date	First Named Inventor	Atty. Docket No.	Confirmation No.
09/769,446	01/26/2001	SHENOV	FON 103	3770

Invention	Examiner	Art Unit
DRIVEN EQUILIBRIUM AND FAST-SPIN ECHO SCANNING	Shrivastav	2862

**SUPPLEMENTAL PETITION UNDER 37 CFR 1.181(a)
FOR WITHDRAWAL OF HOLDING OF ABANDONMENT**

Commissioner for Patents
Washington, D.C. 20231
Attention: Group Director

Sir:

This is a Petition requesting that the Holding of Abandonment mailed January 2, 2003, be withdrawn, and that the Amendment filed on May 15, 2002 ("Amendment") be considered by the United States Patent & Trademark Office ("Office") as being timely submitted. As set forth below, applicant contends that the application is not in fact abandoned.

A copy of the Amendment, and accompanying documentation, is annexed hereto. In response to a January 15, 2002 Office Action, the undersigned counsel submitted the Amendment on May 15, 2002 (See Certificate of Mailing on Transmittal Form). The Amendment was therefore submitted four months after the date of the Action, and one month beyond the shortened statutory period for response.

Accordingly, the Amendment included an express "Petition for Extension of Time under 37 CFR 1.136(a)," which requested a one-month extension (See Petition for Extension of Time, PTO/SB/22), and payment of the fee for a one-month extension was

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Supplemental Petition for Withdrawal of Holding of Abandonment

submitted (See Fee Transmittal, PTO/SB/17). On December 13, 2002, the undersigned counsel submitted a status request, because no further action had been received. On or about January 7, 2003, the undersigned counsel learned that a Holding of Abandonment was mailed on June 2, 2003 for failure to timely file a proper reply to the January 15, 2002 Office Action, and more specifically, that no reply had been received. Because a timely response had been submitted, the holding of abandonment was made due to Office error, is not valid, and should be withdrawn.

On or about January 8, 2003, the undersigned counsel telephoned the Examiner regarding the Notice of Abandonment, and understood the Examiner's comments as a request for copies of the Amendment and accompanying documentation in order to correct the erroneous Holding of Abandonment. Thus, in response to the Notice of Abandonment, and in light of the telephone conversation with the Examiner, the undersigned counsel submitted on January 9, 2003 an Informal Petition for Withdrawal of Holding of Abandonment ("Submission"), which included copies of the transmittal form, petition for extension of time, fee transmittal, and amendment that were all filed on May 15, 2002. Further, the ineffective petition also included a copy of the date stamped postcard acknowledging the Office's receipt of these documents on May 31, 2002. A copy of the Submission is also annexed hereto.

Subsequently, the undersigned counsel submitted Status Requests on February 24, 2003 and May 8, 2003. Copies of these Requests are also annexed hereto. A response to the May 8, 2003 Status Request was received on May 15, 2003, with the response stating that the application was still abandoned, despite the undersigned counsel's compliance with the Examiner's submission request.

Supplemental Petition for Withdrawal of Holding of Abandonment

On July 15, 2003, the undersigned counsel learned through a telephone conversation between co-counsel George F. Wallace (Reg. No. 45,286) and the Examiner that the Examiner believes that a formal petition is required and that the earlier requested Submission was ineffective to correct the error. Accordingly, the undersigned counsel promptly submits this formal Supplemental Petition.

In summary, a timely response to the January 15, 2002 action was filed, with a petition for extension of time and payment of all required fees. The Office acknowledged receipt of the response by returning the date-stamped return postcard. Nevertheless, the application was erroneously abandoned on January 2, 2003. A first, informal Petition to Withdraw a Holding of Abandonment was timely submitted on January 9, 2003. This was deemed ineffective, and therefore we submit this formal Supplemental Petition.

In view of the foregoing, it is respectfully requested that this petition be granted, in which case the undersigned counsel respectfully requests that the Holding of Abandonment be withdrawn, and the Amendment be considered as timely submitted and entered. Pursuant to MPEP 711.03(c), it is believed that no petition fee is required. However, if such fee is in fact required, please charge the fee to our deposit account, No. 501998, and notify us accordingly.

Respectfully submitted,

July 23, 2003

Date



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